

02/28/02  
U.S. PTO



03-01-02

Docket No: ACY-33,316-D3

Patent



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Sridhar Krishna Rabindran, et al.  
Serial No.: To Be Assigned Group Art No.:  
Filed: February 28, 2002 Examiner:  
For: REVERSAL OF MULTIDRUG RESISTANCE IN HUMAN COLON  
CARCINOMA CELLS  
Confirmation No.:  
Customer Number: 25291

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, DC 20231

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):  
;

For: Sridhar Krishna Rabindran, et al.

1. This new application is for a:

Divisional  
 Continuation  
 Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

This new application being transmitted claims the benefit of prior U.S. application(s)  
Serial No. 09/321,182, filed on May 27, 1999.

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):

Pages of specification – 43 pages  
 Sequence Listing – pages on  
     CD-ROM or CD-R (2 copies); or  
     Paper  
 Pages of claims – 24 pages  
 Page(s) of abstract – 1 page  
Sheets of drawing – pages  
     Formal  
     Informal

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ET372497923US addressed to the Commissioner for Patents, Box PATENT APPLICATION, Washington, DC 20231.

Date

February 28, 2002

Daniel B. Moran

4. Additional papers enclosed

- Information Disclosure Statement (A copy as filed in U.S. Serial No. 09/331,182)
- Form PTO-1449 (A copy as filed in U.S. Serial No. 09/321,182)
- Citations
- Declaration of Biological Deposit
- Computer Readable Form of Sequence Listing
- Declaration Under 37 CFR 1.821(f)
- Other: Preliminary Amendment

5. Declaration

- Copy from a prior application (37 CFR 1.63 (d)) is enclosed ( A copy as filed in U.S. Serial No. 09/321,182)
- New declaration enclosed and executed by all inventor(s)
- New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

American Cyanamid Company  
Five Giralta Farms  
Madison, New Jersey 07940-0874

- was made in the prior application and recorded in PTO on July 30, 1999, Reel 010137, Frame 0512.
- is attached under separate Recordation Form Cover Sheet.
- will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)
- A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1300.

10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$740.00
TOTAL CLAIMS	24	4	x \$ 18.00	72.00
INDEPENDENT CLAIMS	4	1	x \$ 84.00	84.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
		<b>Total Filing Fee:</b>		<b>\$896.00</b>

11. Fee payment being made at this time: \$896.00

12. Method of Payment of Fees:  
Charge Deposit Account No. 01-1300 in the amount of \$896.00  
A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. 01-1300.

14. Authorization to Charge Additional Fees  
 The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No.  
 37 CFR 1.16(a), (f), or (g) filing fees  
 37 CFR 1.16(b), (c), and (d) presentation of extra claims  
 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.  
 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)  
 Amend the Specification by inserting before the first line the sentence:  
 -- This application is a divisional application of copending application Serial Number 09/321,182, filed May 27, 1999 which claims benefit of prior U.S. Provisional application Number, 60/109,801 which was converted from U.S. Patent Application Number 09/085,549 filed May 27, 1998, pursuant to a petition filed under 37C.F.R. 1.53(C)(2) on November 2, 1998. These applications are herein incorporated by reference in their entirities.--

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed  
 (a)  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)  
 the same  
 less than those named in the prior application and it is requested that the following inventor Sridhar Krishna Rabindran identified for the prior

application be deleted in accordance with the signed statement attached deleting inventor Sridhar Krishna Rabindran named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

(b)  This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)  
 the same  
 the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

(a)  Extension of Time in Prior Application  
 A petition, fee and response extends the term in the pending prior application until  
 A copy of the petition filed in the prior application is attached.

(b)  Conditional petition for Extension of Time in Prior Application.  
 A conditional petition for extension of time is being filed in the pending prior application.  
 A copy of the conditional petition filed in the prior application is attached.

18. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).

A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

19. SEND CORRESPONDENCE TO:

Customer Number: 25291

Bar Code:



DIRECT ALL TELEPHONE CALLS TO:

Name: Daniel B. Moran  
Tel. No. (845) 602-2224

20.  Return Receipt Postcard is attached.



Daniel B. Moran  
Patent Agent  
Reg. No. 41,204

American Home Products Corporation  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (845) 602-2224